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RECEIVED

June 11, 2001

JUN 11 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, Room TW-A325
Washington, D.C. 20554

RE: COMMENTS

**In the Matter of Part 11 of the Commission's Rules
Regarding the Emergency Alert System
EB Docket No. 01-66, RM-9156, RM-9215**

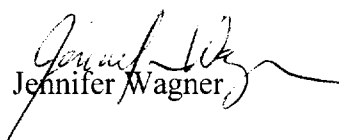
Dear Ms. Salas:

Enclosed please find an original and four copies of the Comments of Salem Communications Corporation in the above-referenced proceeding, EB Docket No. 01-66, and an additional two copies of the comments for each additional rulemaking included in the caption of this proceeding, RM-9156 and RM-9215.

Please stamp and return the enclosed confirmation copy of the comments, marked 'Please Stamp and Return to Fletcher Heald & Hildreth' and return with the courier.

If any questions should arise concerning this matter, kindly contact the undersigned.

Very Truly Yours,


Jennifer Wagner

Counsel for
Salem Communications Corporation

enc.

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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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| In the Matter of |) | EB Docket No. 01-66 |
| Amendment of Part 11 of the Commission's Rules |) | RM-9156 |
| Regarding the Emergency Alert System |) | RM-9215 |

**COMMENTS
OF
SALEM COMMUNICATIONS CORPORATION**

Salem Communications Corporation ("Salem"), the parent company of more than 70 radio broadcast stations nationwide, submits these comments regarding the Commission's proposed revisions to its Part 11 rules governing the Emergency Alert System ("EAS"), set forth in a Notice of Proposed Rulemaking ("NPRM") on March 20, 2001.¹ Specifically, Salem supports the proposal to extend the relay window during which a Required Monthly Test ("RMT") of the EAS must be transmitted from 15 minutes to 60 minutes.

1. Extending the relay window from 15 minutes to 60 minutes would maintain program continuity and remove an unnecessary burden on broadcasters. The Part 11² requirement that broadcasters relay RMTs within 15 minutes of receipt places an unreasonable

¹ In the Matter of Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System, Notice of Proposed Rulemaking, FCC 01-88, EB Docket No. 01-66, RM-9156, RM-9215 (released March 20, 2001). Petitions for rulemaking were filed by the Society of Broadcast Engineers, Society of Broadcast Engineers, Inc., Petition for Rule Making Concerning Improvements to Part 11 of the FCC Rules (EAS) (August 14, 1997); and by the National Oceanic and Atmospheric Administration National Weather Service, Letter from U.S. Department of Commerce, National Oceanic and Atmospheric Administration National Weather Service to Secretary, Federal Communications Commission (December 30, 1997).

² See 47 C.F.R. §§11.51(l), 11.52(e)(2) and 11.61(a)(l)(v).

burden on broadcasters. This brief relay window often forces broadcasters to interrupt programming. As the Society of Broadcast Engineers (“SBE”) states in its Petition for Rulemaking underlying the NPRM, regular tests of the EAS are vital but should not require disruption to programming and the broadcast audience. Given more time to relay a RMT, a broadcaster will likely be able to insert the RMT in a less disruptive portion of programming or replace promotional time already scheduled in a break structure.³

2. A recent incident at Salem station WAVA(FM) in Arlington, Virginia is indicative of the need to extend the time for retransmission of the RMT. On April 25, 2001, a WAVA announcer logged a report showing that he had to interrupt a 26-minute program to air a monthly EAS Alert before expiration of the 15-minute transmission time. Because he could not get the program to resume where it had been interrupted, the station had to air a portion of a previously broadcast program. Such interruptions are common, but would not occur – and the public would not lose programming in the middle of a broadcast – if stations were allowed 60 minutes to run the RMT rather than 15 minutes.

3. Salem also supports comments filed by the National Association of Broadcasters (“NAB”) and FOX Television Stations, Inc.(“FOX”), which address additional benefits of adopting the Commission’s tentative conclusion to lengthen the relay window to 60 minutes. In particular, NAB addresses the “nearly impossible” task of coordinating a 15-minute relay

³ Salem notes that while the 15-minute window was apparently established as part of the EAS that replaced the Emergency Broadcast System (EBS) in 1994, the Commission gave no basis for selecting 15 minutes rather than another relay window time period. See In the Matter of Amendment of Part 73, Subpart G, of the Commission’s Rules Regarding the Emergency Broadcast System, Report & Order and Further Notice of Proposed Rulemaking, FCC 94-288, FO Dockets 91-301, 91-171, para. 111 (1994).

window with state and local EAS committees without disrupting programming -- a problem that Salem has also experienced -- and how an extended window would provide broadcasters with greater flexibility in their participation in local EAS programs.⁴ FOX's comments discuss the problem of correcting erroneous technical transmissions sent by the designated primary station within the brief period before the message expires, which may occur before a broadcast station has been able to air a corrected RMT. The longer relay window would help alleviate such problems.⁵

4. Finally, Salem notes that SBE initially raised its concerns about the disruptive impact of the 15-minute relay window requirement when it filed its petition for rulemaking in August 1997. Comments filed in late 1997 and early 1998 in response to the SBE petition suggested that rule revisions would be premature because the EAS system was new and glitches would be worked out during implementation of the system.⁶ Now, four years after establishment of the new EAS, the same problems and concerns about the brevity of the relay window exist. At this point, it is clear that those problems and concerns are not system implementation issues.

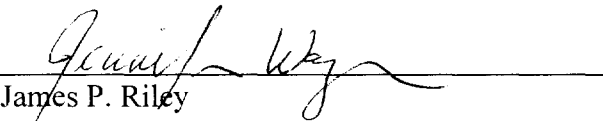
⁴ See Comments of the National Association of Broadcasters, RM-9156 (September 15, 1997) at 3.

⁵ See Comments of FOX Television Stations, Inc., RM-9156 (October 8, 1997) at 1-2.

⁶ See The Formal Comments of Multi-Technical Services, Incorporated, RM-9156 (September 24, 1997) at 2.

5. Therefore, for the reasons outlined above, it would be reasonable, and in the public interest, for the Commission to adopt the proposal to lengthen the EAS RMT transmission window from 15 minutes to 60 minutes.

Respectfully submitted,
SALEM COMMUNICATIONS CORPORATION

By: 
James P. Riley
Jennifer Wagner
Its Counsel

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June 11, 2001